

HOUSE

AMENDMENT NO.____

Offered by

____ of _____

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the after "643.078," the phrase "and 1, 2, 3, and 4,"; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. The air conservation commission, clean water commission, hazardous waste management commission, petroleum

Action Taken _____

Date _____

storage tank insurance fund board and land reclamation commission assigned to the department of natural resources are hereby granted and shall have the authority to exercise all powers necessary or appropriate to carry out and effectuate their purposes pursuant to the provisions of chapters 260, 319, 444, 643 and 644, RSMo, as amended, including, but not limited to, the following:

(1) To sue and be sued;

(2) To employ managers and other employees and retain or contract with engineers, architects, accountants, financial consultants, attorneys and such other persons, firms, or corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof, consistent with available appropriations; and

(3) To settle and compromise any claim or cause of action brought by, on behalf of, or against the board or commission.

Section 2. 1. Each commission in section 1 of this act shall adopt, and may amend, promulgate, or repeal after due notice and hearing in accordance with chapter 536, RSMo, rules and regulations establishing rules of practice and procedure, including but not limited to the establishment of filing fees and assessment of hearing costs, applicable to any appeal or hearing heard by the commission pursuant to chapter 536, RSMo.

2. Until such time that each commission listed in section 1

of this act adopts rules of practice, the general procedures in the following rules adopted by the Missouri Bar shall control in all appeals heard by any commission: rules 56, 57, 58, 59, 61 and 74.04, as amended.

Section 3. 1. There is hereby created an "Office of Commission Support" within the department of natural resources. The office of commission support shall be managed by a director appointed by a majority vote of the chairs of the commissions listed in section 1 of this act. One full time equivalent employee with a classification of planner and one full time equivalent employee with the classification of clerk or typist are hereby transferred from the department of natural resources to serve as staff for the office of commission support. For fiscal years 2003 to 2008, ten thousand dollars from the air pollution control fund, hazardous waste fund, water pollution control fund, solid waste management fund, natural resources protection fund, natural resources protection fund-water pollution permit fees subaccount, natural resources protection fund-air pollution permit fees subaccount, soil and water sales tax fund, the mined land reclamation fund, and natural resources revolving services fund, respectively, shall be made available annually, upon appropriation, for personal service and expense and equipment.

2. The director of the office of commission support shall,

in his or her discretion, institute such procedures, set such policies, and organize such structures in order to maintain neutrality and independence in all functions of the boards and commissions. The director shall provide advice and assistance to the board and commissions assigned to the department of natural resources in all administrative, budget, fiscal, personnel and related matters. The director shall serve as a clearinghouse for all notices of proposed rules as described in subsections 3 and 4 of section 4 of this act. The director shall supervise all work groups appointed by any board or commission.

Section 4. 1. At least sixty days prior to transmitting a notice of proposed rulemaking to the secretary of state for any rule to be considered by the department of natural resources or by the air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board or land reclamation commission, the department of natural resources shall provide a copy of the notice of proposed rulemaking to the members of the board or commission having jurisdiction over the notice of proposed rulemaking and to all persons or entities that participated in the underlying proceeding concerning the development of the proposed rule.

2. The department of natural resources may transmit the notice of proposed rulemaking to the secretary of state only

after the board or commission having jurisdiction over the proposed rulemaking has approved the form and content of the notice of proposed rulemaking. Where no board or commission is involved in the adoption of the proposed rule, the department of natural resources may transmit the notice of proposed rulemaking sixty days after the issuance of the notice required in subsection 1 of this section to persons or entities that participated in the underlying proceeding.

3. Any board or commission may in its discretion appoint a work group comprised of interested parties to consider whether particular rules should be adopted or amended. Any such work group shall attempt to develop a consensus which shall be reported to the commission that appointed the work group.

4. Any notice of proposed rulemaking transmitted by the department of natural resources to the secretary of state without complying with the notice and approval requirements in subsections 1 and 2 of this section is void."; and

Further amend said title, enacting clause and intersectional references accordingly.